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Department of State

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TO: Secretary of State

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NO: 2349, APRIL 19, 2 PM (SECTION ONE OF TWO)

SENT DEPARTMENT 2349, REPEATED INFORMATION BERLIN 802,
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REFERENCE: DEPARTMENT AIRGRAM CG 524, APRIL 9, 1959

I MET WITH BRITISH AND FRENCH AMBASSADORS TO DISCUSS PROBLEMS
CONNECTED WITH BERLIN CONTINGENCY PLANNING AND HOW WE HERE MIGHT
CARRY OUT INSTRUCTIONS PARAGRAPH 13 (B) BERLIN CONTINGENCY
PLANNING PAPER, APRIL 4.

AFTER EXCHANGING VIEWS WE AGREED THAT GOVERNMENTAL POSITIONS
ON SURFACE ACCESS ARE SO FAR APART THAT UNDER PRESENT DIRECTIVES
IT IS IMPOSSIBLE FOR US TO COMPLETE REQUIRED TASKS HERE,
AND THAT EACH OF US WOULD SO REPORT TO OUR RESPECTIVE GOVERNMENTS
HOWEVER, TO PIN DOWN PRECISE POINTS OF DIFFERENCE, WE AGREED TO
HAVE OFFICERS OF THREE EMBASSIES MEET, COMPARE POSITIONS AND
SET FORTH SPECIFIC DIFFERENCES. (IN CASE PLANNING FOR AIR ACCESS
TO BERLIN THERE HAVE BEEN NO RPT NO COMPARABLE PROBLEMS AND THIS
PART OF INSTRUCTIONS IN PARAGRAPH 13 (B) OF TRIPARTITE PAPER
BEING COMPLIED WITH.)

AT SUBSEQUENT MEETING OF OFFICERS OF THREE EMBASSIES, FRENCH
ON INSTRUCTIONS FROM PARIS STATED:

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"IN ABSENCE OF AGENCY ARRANGEMENT, ALLIED TRAVELERS WILL NOT SHOW ANY IDENTITY OR TRAVEL DOCUMENT" (COVERING EITHER PERSONS OR VEHICLES) "TO DDR FUNCTIONARIES (PROCEDURE ESTABLISHED BY MINISTERS IN PARIS SHOULD SUFFICE TO ASSURE PASSAGE.)

"1. SINCE EMBASSIES AT BONN HAVE BEEN CHARGED WITH ESTABLISHING TWO KINDS OF INSTRUCTIONS, ONE IN EVENT AGENCY THEORY OBTAINS, OTHER IN CONTRARY SITUATION, ACTION TAKEN SHOULD BE DIFFERENT IN BOTH CASES. IF DOCUMENTS ARE PRESENTED TO FUNCTIONARIES OF THE DDR WHEN NOT ACTING AS AGENTS, CONDUCT TOWARD THEM IS SAME AS IF THEY WERE RECOGNIZED AS AGENTS.

"2. PARAGRAPH 5 OF CONTINGENCY PLAN ENVISAGES IDENTIFICATION OF VEHICLES AND NOT OF TRAVELERS. THERE IS THEREFORE REASON TO BELIEVE THAT IT IS CONCERNED WITH VEHICULAR IDENTIFICATION OF EXTERIOR SIGNS.

"3. PARAGRAPH 6 REFERS TO PROCEDURES PERMITTING INSURING ORDERLY PROGRESS OF TRAFFIC ON THE AUTOBAHN AND THE RAILROAD. IT SEEMS THAT THIS REFERS EXCLUSIVELY TO ARRANGEMENTS DESIGNED TO FACILITATE MOVEMENT OF TRAFFIC" (I.E., IDENTIFICATION SIGNS OR PLACARDS).

BRITISH POSITION DIAMETRICALLY OPPOSED. ON INSTRUCTIONS FROM LONDON, BRITISH REPRESENTATIVE OUTLINED IT IN WRITING AS FOLLOWS:

"1. ALLIED RIGHT OF ACCESS IS ABSOLUTE.

"2. THEREFORE ALLIES DO NOT ALLOW RUSSIANS ANY POSITIVE RIGHT OF CONTROL IN ENGLISH SENSE (AS SHOWN E.G. BY THE HISTORY OF DISPUTES OVER DOCUMENTS, INSPECTION, ETC. ON AUTOBAHN), BUT ONLY OF 'KONTROLLE' I.E., CHECKING OR, IN FACT, IDENTIFICATION.

"3. IT IS TRIPARTITELY AGREED THAT EAST GERMANS SHOULD BE ALLOWED THIS RIGHT OF IDENTIFICATION TOO: HENCE INSTRUCTIONS TO EMBASSIES IN BONN TO WORK OUT IDENTIFICATION PROCEDURES.

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"4. WE THEREFORE CONCLUDE THAT IN PRINCIPLE ALLIED TRAFFIC SHOULD GO THROUGH SAME PROCEDURES AT EAST GERMAN CHECKPOINTS AS IT DOES AT PRESENT AT RUSSIAN CHECKPOINTS - I.E. ALLIES SHOULD TAKE POSITION THAT THEIR RIGHTS ARE UNCHANGED AND THEY ARE FOLLOWING LONG-ESTABLISHED PROCEDURES FOR EXERCISING THEM.

BRITISH POSITION ACCORDS WITH

"5. ~~IT WAS BECAUSE OF THESE CONSIDERATIONS THAT PRIME MINISTER ASKED FOR ADOPTION OF WORDING WHICH NOW APPEARS AT END OF PARAGRAPH 6 OF TRIPARTITE PAPER. ON BRITISH SUGGESTION IT WAS ALSO AGREED TO DROP STATEMENT THAT NO DOCUMENTS WOULD BE PRESENTED TO EAST GERMAN~~ ^{AUG TAKES ACCOUNT OF FACT THAT} ~~FROM WHAT IS NOW PARAGRAPH 2.~~ ^{HAS BEEN OMITTED} BRITISH THEORY DOES NOT MEAN THAT PROCEDURES WOULD BE WHOLLY IDENTICAL WHETHER OR NOT THE DDR WERE REGARDED AS AGENTS OF RUSSIANS. IN FORMER CASE ALLIES WOULD BE ABLE TO PROTEST TO RUSSIANS ABOUT THE CONDUCT OF THEIR AGENTS OR EVEN PERHAPS TO SOME EAST GERMAN AUTHORITY. THIS POSSIBILITY WOULD BE LACKING IN LATTER CASE.

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"6. PLACARD METHOD HAS TWO DISADVANTAGES:

(A) IT IS AN INNOVATION AND HAS NOT, LIKE PRESENTATION
OF DOCUMENTS, BEEN AN ESTABLISHED PROCEDURE OVER YEARS.

(B) IT IS GENERAL PRACTICE THAT ESTABLISHMENT OF INTER-
NATIONAL RIGHTS OF THIS KIND IS DONE BY PRESENTING DOCUMENTS
AND THERE DO NOT APPEAR TO BE ADEQUATE PRECEDENTS FOR DOING
IT BY MEANS OF PLACARDS.

"7. TO SUM UP: BRITISH POSITION IS THAT ALLIES COULD ACCEPT
CONTINUATION OF PRESENT FORMALITIES IN CONNECTION WITH IDENTIFI-
CATION. THEY COULD NOT ACCEPT THAT EAST GERMANS SHOULD ADOPT
ANY FORMALITY WHICH WOULD IMPLY THAT THEY WERE GIVING, OR HAD
AUTHORITY TO GIVE, PERMISSION TO ALLIED TRAFFIC TO TRAVEL,
OR THAT THEY SHOULD TAKE ANY STEPS TO RESTRICT ALLIED TRAFFIC
IN PRACTICE."

(REFERRING TO BRITISH 6TH POINT, WE SUGGESTED CONTENTION SIGNS
INADEQUATE AND WITHOUT PRECEDENT NOT ENTIRELY VALID SINCE FOR
YEARS THIS WAS ACCEPTED METHOD IDENTIFICATION FOR ALLIED VEHICLES

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TRAVELING INSIDE SOVIET ZONE, AND STILL IS METHOD IDENTIFICATION FOR ALLIED VEHICLES CROSSING SECTOR-SECTOR LINE IN BERLIN.)

AS FAR AS UNITED STATES POSITION CONCERNED, WE SAID:

"IN EVENT GDR TAKES OVER FROM SOVIET UNION CONTROL OF BORDER CHECKPOINTS ON ACCESS ROUTES TO BERLIN, PROBLEM IS HOW TO IDENTIFY ALLIED VEHICLES SO THAT THERE IS NO QUESTION THEIR ORIGIN. IF SOVIET UNION DOES NOT DESIGNATE GDR AS ITS AGENT AT CHECK POINTS, METHOD OF IDENTIFICATION OF VEHICLES SHOULD INVOLVE NO CONTACT WITH GDR PERSONNEL. WE FEEL THAT IDENTIFICATION IS ACCOMPLISHED BY AFFIXING DISTINCTIVE SIGNS ON ALLIED VEHICLES.

"AS FAR AS PARAGRAPH 6 OF BERLIN CONTINGENCY PLAN PAPER APRIL 4 IS CONCERNED, IT IS OUR UNDERSTANDING THAT PHRASEOLOGY USED IS INTENDED TO COVER ONLY SUCH MATTERS AS NECESSARY DEALINGS WITH REICHSBAHN ON OPERATIONS OF TRAINS AND COMPLIANCE WITH TRAFFIC DIRECTIONS GIVEN BY POLICE ON AUTOBAHN."

BRITISH AND FRENCH POSITIONS AS OUTLINED ABOVE QUITE CLEAR.

I CONSIDER BRITISH COURSE VERY DANGEROUS. IT UNDERCUTS our PRESENT POSITION CONCERNING OUR RELATIONSHIP WITH GDR AND MAKES FAR REACHING CONCESSIONS TO SOVIETS IN ADVANCE ANY INDICATION THAT SUCH CONCESSIONS MUST BE MADE. DESPITE BRITISH PROTESTATIONS TO CONTRARY, THIS NOT MERELY QUESTION OF IDENTIFICATION ALLIED VEHICLES. BRITISH PROPOSALS, IF ADOPTED, WOULD (A) BE WIDELY CONSTRUED AS DE FACTO RECOGNITION OF GDR, AND (B) PUT WESTERN ACCESS TO BERLIN LARGELY AT MERCY OF GDR.

FRENCH POSITION HAS VIRTUE OF BEING CONSISTENT WITH STATED ALLIED POLICY AS EXPRESSED PARAGRAPH (2) BERLIN CONTINGENCY PLANNING PAPER. IT RECOGNIZES THAT ONCE ALLIES INDICATE READINESS PERMIT GDR CONTROL ALLIED MOVEMENTS TO BERLIN IN MANNER NOW EXERCISED BY SOVIETS, ALLIES WILL HAVE, IN FACT,

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DESTROYED QUADRIPARTITE BASIS ON WHICH THEIR RIGHTS NOW REST, AND WILL HAVE ONLY POSTPONED CRISIS WITH WHICH THEY WILL HAVE TO DEAL LATER FROM A MUCH WEAKENED POSITION.

MY OWN FEELING IS THAT WE SHOULD NOT RPT NOT ADOPT BRITISH VIEWS. IF SOVIETS HAVE ANY REASON TO BELIEVE THAT WE ARE LEANING TOWARD BRITISH VIEWS, THEY WILL BECOME MORE INTRANSIGENT IN PRESENT CRISIS, AND TAKE AN INCREASINGLY AGGRESSIVE STAND ON BERLIN QUESTION. THEREFORE, FOR BASIC SECURITY AND POLITICAL REASONS, I RECOMMEND THAT WE NOT RPT NOT TAKE ANY POSITION DURING FOREIGN MINISTERS MEETING APRIL 29 WHICH COULD BE INTERPRETED AS INDICATING OUR SUPPORT OF BRITISH THINKING ON BERLIN SURFACE ACCESS PLAN. UNLESS WE CAN ARRIVE AT A COMMON POSITION RESEMBLING THAT TAKEN BY FRENCH, IT WOULD BE PREFERABLE, NO RPT NO DECISION BE TAKEN AT PRESENT. IN VIEW FORTHCOMING FOREIGN MINISTERS AND POSSIBLE SUMMIT CONFERENCES, UNLIKELY THAT SOVIETS WILL TRANSFER CHECK POINT CONTROLS TO GDR IN NEAR FUTURE. THEREFORE DOES NOT SEEM TO BE URGENT NEED COMPLETE DETAILED CONTINGENCY PAPERS AT THIS TIME SINCE WE CAN STAND ON PRESENT TRIPARTITELY AGREED INSTRUCTIONS WHICH ADEQUATELY TAKE CARE OF POSSIBLE CONTINGENCIES.

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